

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ARISTA NETWORKS, INC.,

Plaintiff,

v.

CISCO SYSTEMS INC., et al.,

Defendants.

Case No. [16-cv-00923-BLF](#)

**ORDER REGARDING
ADMINISTRATIVE MOTIONS TO
SEAL**

[Re: ECF 47, 59]

Before the Court are the parties' administrative motions to file under seal portions of their briefing and exhibits in connection with the motion to stay or dismiss. ECF 47 AND 59. For the reasons stated below, the motions are GRANTED IN PART and DENIED IN PART.

I. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are "more than tangentially related to the merits of a case" may be sealed only upon a showing of "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of "good cause." *Id.* at 1097.

In addition, sealing motions filed in this district must be "narrowly tailored to seek sealing only of sealable material." Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is "sealable." Civ. L.R. 79-5(d)(1)(A). "Reference to a stipulation or protective order that allows a party to designate certain

documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

II. DISCUSSION

The Court has reviewed the parties’ sealing motions and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal certain portions of most of the submitted documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing request are set forth in the tables below:

A. ECF 47

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Cisco’s Motion to Stay/Dismiss at p. 2 ln. 17, 18–21, 22–24	Quote from or cite Exhibits 2 and 3 below	GRANTED
Exhibit 2	Confidential Arista business information regarding Arista’s product development process, including details regarding Arista’s decision as to whether to implement certain features and comparisons between Arista’s and competitors’ products	GRANTED
Exhibit 3	Portions at 221-224 concern remarks made at conference and are not confidential. The remainder of the exhibit contains confidential Arista business information regarding Arista’s product development process, including comparison of Arista’s and competitors’ products	GRANTED except to pages 221-224.
Exhibit 11	The excerpted portions do not contain confidential Arista business information	DENIED because supporting declaration states that the excerpted portion does not contain confidential information.
Exhibit 13 at Pages 4–5, 66–80, 83–85, 87–89, 118–122, 126, 129, 146, 173–184, 186–188, 190, 196–198, 200, 202–203, 251–253, 266, 273	Highly sensitive business information, including confidential details on the design and inner workings of the EOS operating system	GRANTED

B. ECF 59

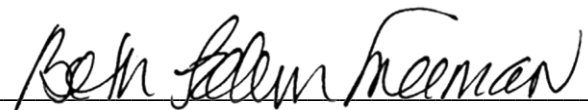
Identification of Documents to be Sealed	Description of Documents	Court's Order
Arista's Opposition of Arista Networks, Inc. to Cisco's Motion to Stay or Dismiss, at 1:9, 2:20-23, 7:26-27; and 13:5-7	The Court previously found this information sealable as containing Cisco's confidential business information	GRANTED
Exhibit D	Designated as Confidential or Highly Confidential by Cisco.	DENIED because supporting declaration agrees that this is not sealable.

III. ORDER

For the foregoing reasons, the sealing motions are GRANTED IN PART and DENIED IN PART. Under Civil Local Rule 79-5(e)(2), for any request that has been denied because the party designating a document as confidential or subject to a protective order has not provided sufficient reasons to seal, the submitting party must file the unredacted (or lesser redacted) documents into the public record no earlier than 4 days and no later than 10 days from the filing of this order.

IT IS SO ORDERED.

Dated: August 17, 2016


 BETH LABSON FREEMAN
 United States District Judge